

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner, by Charles Vaughn, Construction and Maintenance Engineer with Exxon Company, USA, appeared, testified and was represented by Counsel. Also appearing on behalf of the Petition was David Wang, an Engineer with Frederick Ward & Associates. David H. Stein with the Liberty Communities Development Corporation, Inc., John Celentano, President of the Herwood Heights Community Association, Edwin Hogan with the Liberty Road Community Council, and Mary Ginn with the Alliance of Baltimore County Community Councils (ABCc), appeared and testified as Protestants.

UNDER PROTECTIVE FOR FILING
DATE 3/8/88
BY Little, G. J.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. Clean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974)

1) The Petitioner may apply for his sign permit, and be granted same upon receipt of this order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process has ended and his permit has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to re-apply, and be responsible for returning, said property to its original condition.

2) Petitioner must submit a new site plan which will show the proposed Petitioner's sign and/or structure that will be erected, within six (6) days of the date of this Order, and the issuance of any sign permit.

John M. Harrison
JOHN M. HARRISON
Deputy District Commissioner
of Baltimore County

ORDERED By the Zoning Commissioner of Baltimore County, this 23rd day of Nov, 1987, that the subject matter of this petition be advertised, as required by Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 101, County Office Building in Towson, Baltimore County, on the 19th day of Oct, 1987, at 10 o'clock.

(over)

TOWSON, MD., Jan. 28 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Jan. 25, 1928

THE JEFFERSONIAN

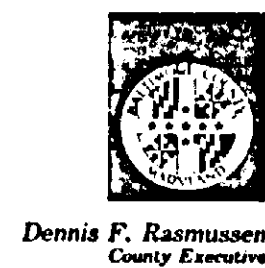
[illegible]

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District London Date of Posting 10-2-25
 Posted for 10000
 Preformer John Smith
 Location of property 10000
 Location of Sign 10000
 Remarks _____
 Posted by John Smith Date of return 10-2-25
 Number of Signs 10000

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Case number: 88-322-A
SW/S Liberty Road, 43'± NW of c/l Florida Road, extended
(8029 - 8033 Liberty Road)
2nd Election District - 2nd Councilmanic District
Petitioner: Exxon Company, U.S.A.
DATE/TIME: FEBRUARY 19, 1988 at 10:00 a.m.

Variance to allow the replacement of an existing non-conforming () sq. ft. I. D. Sign and pole with a new 196.56 sq. ft. I. D. sign in lieu of the allowed 100 sq. ft. total for both sides.

In the event that this Petition is granted, a building permit may be issued within (30) day appeal period. The Zoning Commissioner will, however, entertain during this period for good cause shown in this office by the date of the hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 45639
DATE 2/1/88 ACCOUNT 01-615-000
AMOUNT \$ 100.00
RECEIVED FROM Frederick Ward Associates
FOR Var # 172
B 8011 *****1300010 00001
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

Mr. David Wang
Frederick Ward Associates
5 S. Main Street
Bel Air, Maryland 21014

Re: Case number: 88-322-A
SW/S Liberty Road, 43'± NW of c/l Florida Road, extended
(8029 - 8033 Liberty Road)
2nd Election District - 2nd Councilmanic District
Petitioner: Exxon Company, U.S.A.

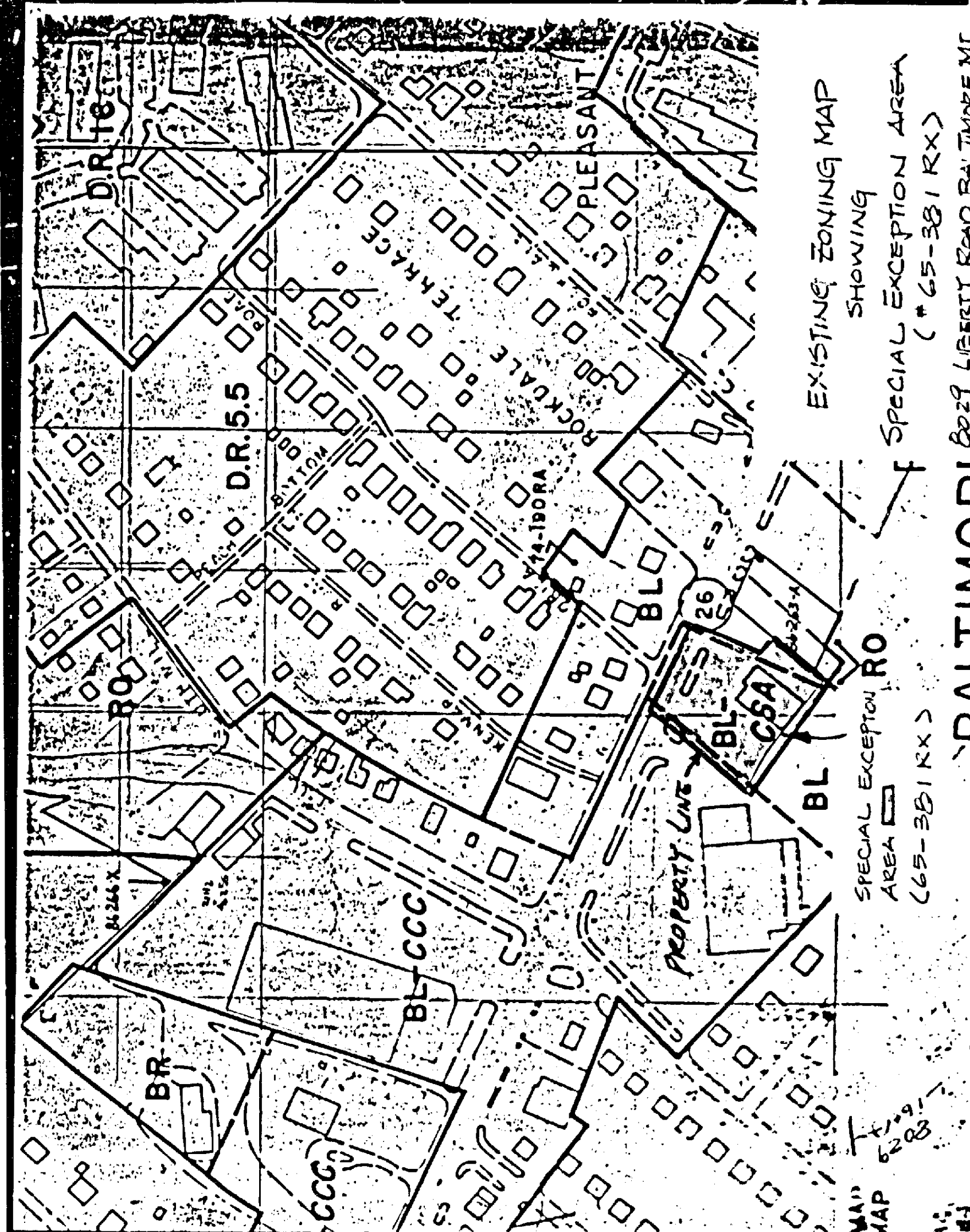
Dear Mr. Wang:

Please be advised that \$14.58 is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign(s) from the property from the time it posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 45962
DATE 2/1/88 ACCOUNT 01-615-000
AMOUNT \$ 14.58
RECEIVED FROM Frederick Ward Associates
FOR Petition # 172
B 8011 *****1300010 00001
VALIDATION OR SIGNATURE OF CASHIER



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 10, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204
000

Mr. Thomas DuPlessis
Project Engineer
11350 McCormick Road
Hunt Valley, Maryland 21031

RE: Item No. 172 - Case No. 88-322-A
Petitioner: Exxon Company, U.S.A.
Petition for Zoning Variance

Dear Mr. DuPlessis:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

cc: David Wang
Frederick Ward Associates
5 S. Main Street
Bel Air, Maryland 21014



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

November 23, 1987

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Attn: James Dyer

Re: Baltimore County
Item #172
Property Owner:
Exxon Company, U.S.A.
Location: SW/S Liberty Rd
Maryland Route 2
approximately 43 feet NW
of the centerline of
Florida Road, extended
Existing Zoning: B.L.-CSA
and B.L.
Proposed Zoning: Variance
to allow the replacement
of an existing non-
conforming I.D. sign
and pole with a new
196.56 sq. foot I.D.
sign in lieu of the
allowed 100 sq. foot
total for both sides
Area: 0.892 acres
District: 2nd

Dear Mr. Haines:

On review of the submittal of August 27, 1984, the State Highway Administration-Bureau of Engineering Access Permits offers the following comments.

The submittal for variance of a business sign has been forwarded to the State Highway Administration Beautification Section, c/o Morris Stein (333-16420 for all comments relative to zoning.

If you have any questions, please call Larry Brocato of this office at 333-1950.

Very truly yours,

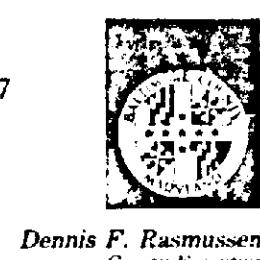
Orison J. Mills, Jr.
Acting Chief-Bureau of
Engineering Access Permits

cc: J. Oyle
Morris Stein & Att.
Patton Harris, Rust and Associates

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3354

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

December 2, 1987



Dear Mr. Haines:

The Bureau of Traffic Engineering has no comment for items number 169, 170, 171, 172, 173, 174, 175, and 176.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate II

MSF:ib

88-322-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 23rd day of November, 1987.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Exxon Company, U.S.A.
Petitioner's Representative: Mr. Thomas DuPlessis
Project Engineer

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204-2266
494-4300

November 25, 1987

Paul H. Reincke
Chief
J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Exxon Company, USA

Location: SW/S Liberty Road, approx. 43' NW of c/l Florida Rd., extended.

Item No.: 172

Zoning Agency: Meeting of 11/17/87

Compliment:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association (NFPA) Standard No. 101 "Life Safety Code," 1966 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] 11-25-87
Noted and Approved: [Signature]
Planning Group
Special Inspection Division

/s/

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner

Date: January 14, 1988

FROM: P. David Fields
Zoning Director of Planning and Zoning
Zoning Petition Nos. 88-320-A, 88-321-A, 88-322-A, 88-323-A, 88-324-A, 88-325-A, 88-326-A, 88-327-A, 88-328-A, 88-329-A, 88-330-A, 88-331-A, 88-332-A, 88-333-A, 88-334-A, 88-335-A, 88-336-A, 88-337-A, 88-338-A, 88-339-A, 88-340-A, 88-341-A, 88-342-A, 88-343-A, 88-344-A, 88-345-A, 88-346-A, 88-347-A, 88-348-A, 88-349-A, 88-350-A, 88-351-A, 88-352-A, 88-353-A, 88-354-A, 88-355-A, 88-356-A, 88-357-A, 88-358-A, 88-359-A, 88-360-A, 88-361-A, 88-362-A, 88-363-A, 88-364-A, 88-365-A, 88-366-A, 88-367-A, 88-368-A, 88-369-A, 88-370-A, 88-371-A, 88-372-A, 88-373-A, 88-374-A, 88-375-A, 88-376-A, 88-377-A, 88-378-A, 88-379-A, 88-380-A, 88-381-A, 88-382-A, 88-383-A, 88-384-A, 88-385-A, 88-386-A, 88-387-A, 88-388-A, 88-389-A, 88-390-A, 88-391-A, 88-392-A, 88-393-A, 88-394-A, 88-395-A, 88-396-A, 88-397-A, 88-398-A, 88-399-A, 88-400-A, 88-401-A, 88-402-A, 88-403-A, 88-404-A, 88-405-A, 88-406-A, 88-407-A, 88-408-A, 88-409-A, 88-410-A, 88-411-A, 88-412-A, 88-413-A, 88-414-A, 88-415-A, 88-416-A, 88-417-A, 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COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
828-9441

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER
MARK S. DEVAN
ANTHONY J. DIPAULA

February 26, 1988

REPLY TO:
ANNEX OFFICE
SUITE 101
608 BALTIMORE AVE.
TOWSON, MD. 21204
AREA CODE 301
828-5525

Ann M. Nastarowicz
Deputy Zoning Commissioner
County Office Building
110 West Chesapeake Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCES
SW/S LIBERTY ROAD @ FLORIDA ROAD
43' + NW OF C/L FLORIDA ROAD,
EXTENDED, (8029-8033 LIBERTY ROAD)
2ND ELECTION DISTRICT -
2ND COUNCILMANIC DISTRICT
PETITIONER: EXXON COMPANY, U.S.A.
CASE NO.: 88-322-A

Dear Mrs. Nastarowicz:

Pursuant to your request during the hearing held on February 19, 1988, I have been advised by representatives at Exxon that in fact Exxon Company, U.S.A. is the owner of this property. In addition, you requested a proposal from Exxon concerning a reduction in the signage requested. On behalf of the Petitioner, and of course without prejudice to their right to further pursue the matter, Exxon is willing to cooperate not only with the Zoning Commissioner's Office but also with the various protestants who oppose the signage, and would be willing to reduce its request as to this location to one under the 30-40 sq. ft. system, with the diesel sign, the total square footage of which would be 159.08 sq. ft.

Thank you for your cooperation and consideration.

Very truly yours,

Anthony J. DiPaula
Anthony J. DiPaula

AJD/jab

RECEIVED
MAR 1 1988
ZONING OFFICE

Ann M. Nastarowicz
Deputy Zoning Commissioner
February 26, 1988
Page 2

cc: Mary Ginn
The Alliance of Baltimore County
Community Councils, Inc.

David Stein
Liberty Communities Development Corp., Inc.

Charles Vaughan
Exxon Company, U.S.A.

David S. Wang
Frederick Ward & Assoc.

John M. Celentano, Pres.
Hernwood Heights Community Assoc., Inc.

Renew, Inc.

LIBERTY COMMUNITIES DEVELOPMENT CORPORATION, INC.
3820 Fernside Road
Randallstown, MD 21133

(301) 655-7766

Liberty Communities Development Corporation (LCDC)

Resolved: That the position of the Liberty Communities Development Corporation as adopted by the Board of Directors on January 18, 1988 on the zoning matters known as:

Case Numbers 88-322-A and 88-323-A for Variances to allow the replacement of existing non-conforming I.D. signs and poles with a new 196.56 sq. ft. sign (8029 Liberty Road) and a new 158.16 sq. ft. sign (9835 Liberty Road) by Exxon Company, USA.

is that: "the Board (LCDC) oppose these petitions." Further, "The staff (Jim Janas and/or David Stein) receive authority, sanction and instructions to testify on behalf of the organization."

AS WITNESS OUR HANDS AND SEAL THIS 19 day of JANUARY 1988

attest: Liberty Communities Development Corporation

[Signature]
Secretary

[Signature]
President

PROTESTANT'S
EXHIBIT 1



The Alliance of Baltimore County Community Councils, Inc.

January, 1988

Mrs. Mary Ginn
606 Horncrest Rd.
Towson, MD 21204

Mrs. KC Turner
618 W. Chesapeake Ave.
Towson, MD 21204

TO: Mary Ginn and KC Turner

I, hereby, ask you, as representatives of ABCs - the Alliance of Baltimore County Community Councils, Inc. - to continue to be present at Baltimore County Zoning Hearings.

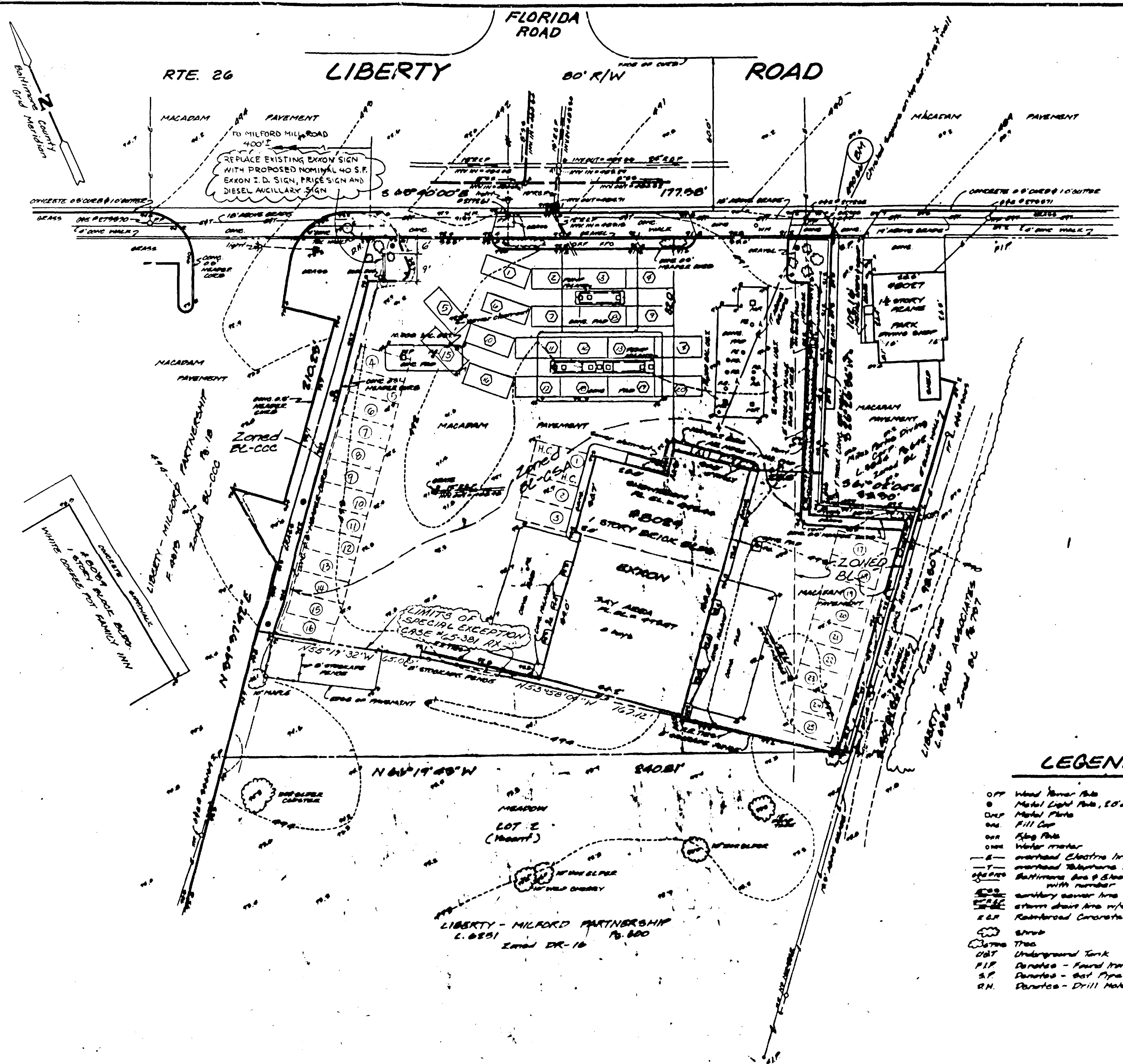
As stated many times at its monthly meetings, ABCs opposes any variances of Baltimore County's signing code.

Thank you.

Mary B. Basso

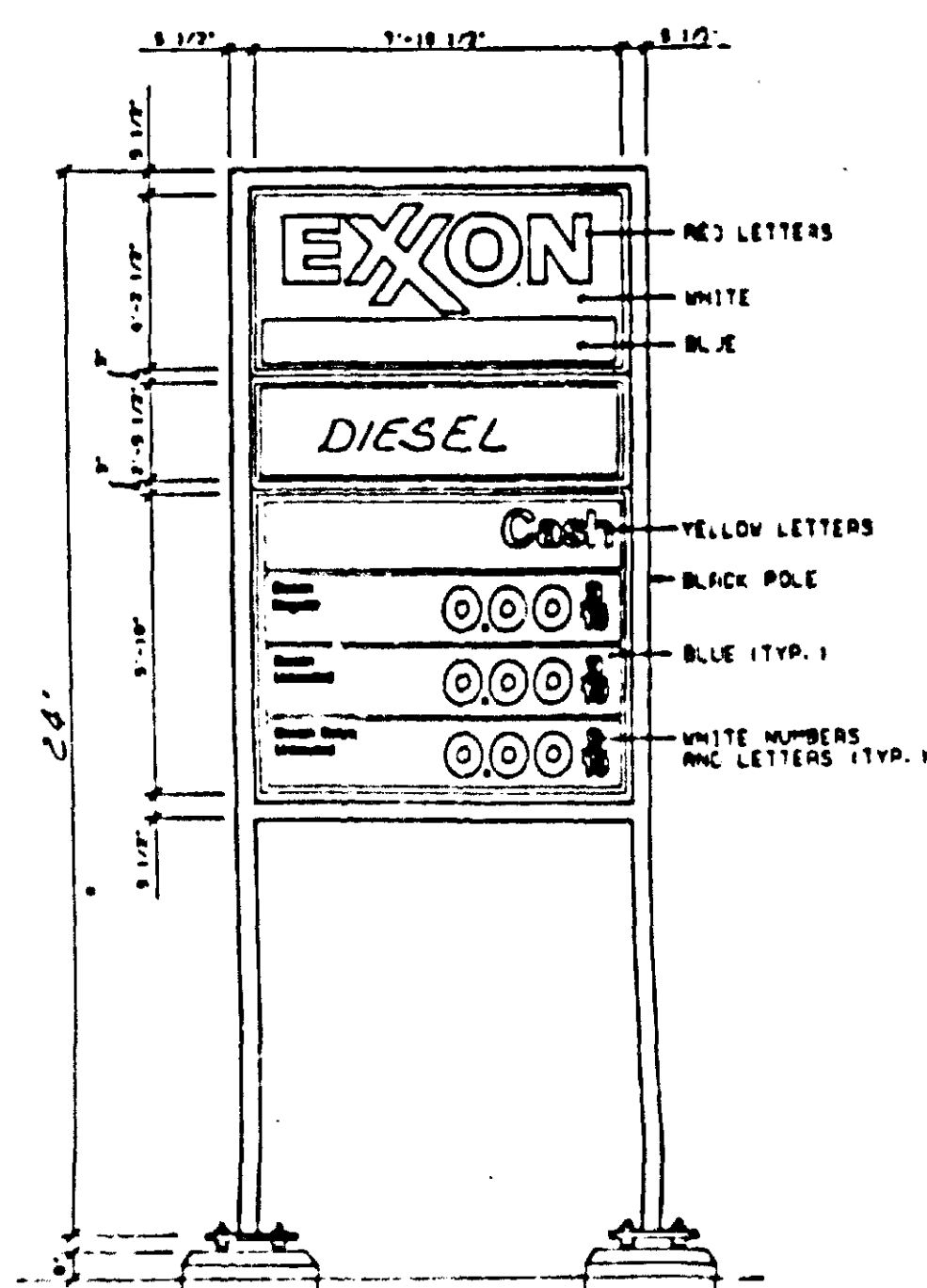
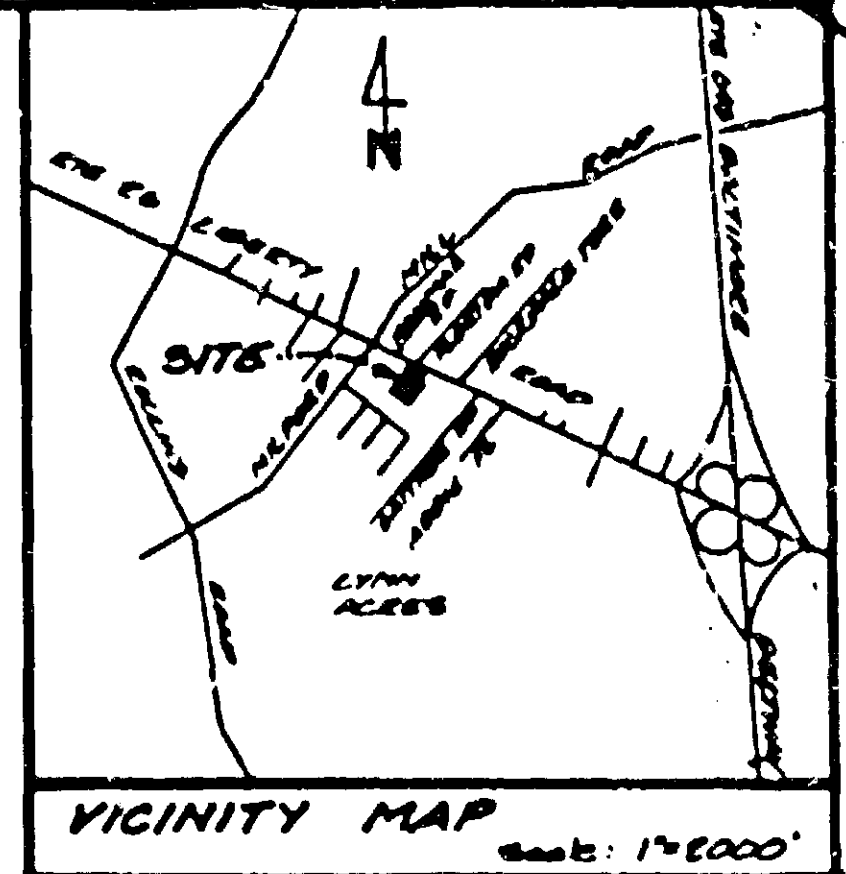
Mary Basso, President, ABCs

PROTESTANT'S
EXHIBIT 2



NOTES

- The property shown herein is located on Baltimore County Tax Map No 77, Block 20, Parcel 1229.
 - The property shown herein is now in the name of EXXON Corporation and was acquired by them from Robert Donald Kirk, et al, by deed dated April 24, 1966 in Liber O.T. No 4888, Page 7-7, among the land records of Baltimore County, Maryland.
 - Exact location of underground utilities to be verified by the utilities company before any digging is begun.
 - The property is zoned BL-CSA, BL.
 - Total area is 49,175 sq. ft. and was computed using record bearings and distances.
- PROPOSED
NOMINAL 40 SF SYSTEM



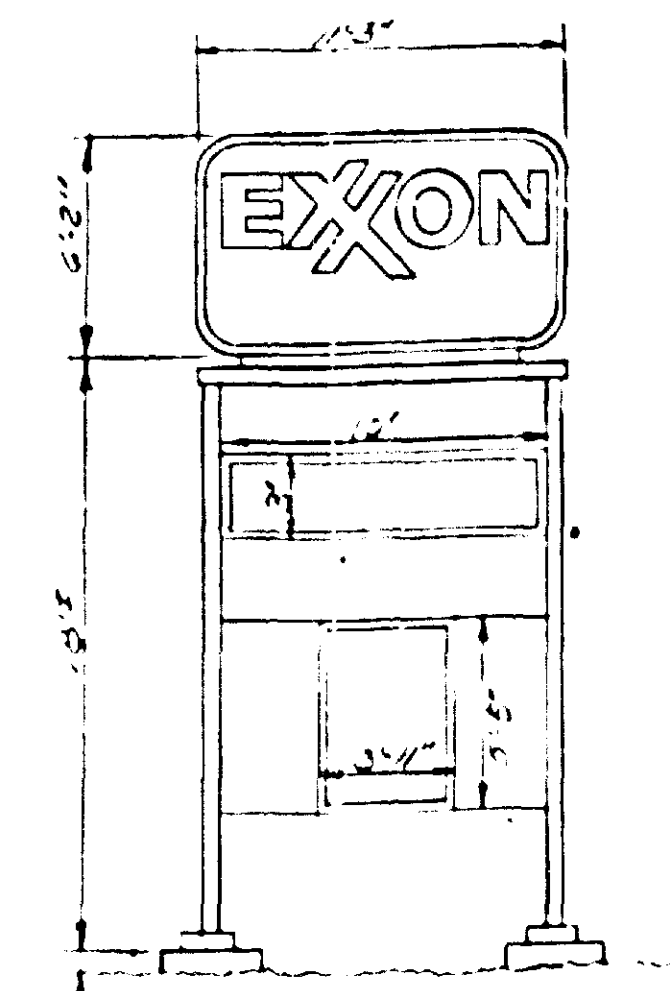
ACTUAL SIGN FACE AREAS:
33.14 SF EXXON ID
19.20 SF ANCILLARY DIESEL
45.94 SF PRICE
98.28 SF TOTAL SYSTEM (ONE SIDE)
196.56 SF TOTAL (TWO SIDES)

ZONING NOTES

Zoning Status - No Change	Access Points - No Change
EXISTING ZONING: BL/BL-CSA/BL-CCC	2 DRIVEWAYS ON Liberty Road
PROPOSED ZONING: BL/BL-CSA/BL-CCC	35 FEET WIDE EACH
PREVIOUS ZONING CASE: #65-381 RX	
Area Requirements	Landscaping - No Change
2 DISPENSER ISLANDS WITH 10 PUMPS SERVING 10 CARS AT ONE TIME.	5% of 37,246 = 1,362 s.f. Existing Landscaping Area = 3,109 s.f.
TOTAL SERVICING SPACES - 10	EXISTING LANDSCAPING CONSISTS OF GRASS & SMALL SHRUBS
TOTAL SERVICING BAYS - 8	
TOTAL BAYS AND SPACES - 18	
SITE AREA REQUIRED - 18 X 1500 SQ. FT. = 27,000	
Ancillary Uses - No Change	Parking - No Change
• VEHICLE REPAIR SERVICE • SALE AUTO PARTS & ACCESSORIES • TIRE SALES & INSTALLATION • VENDING MACHINES • MINOR ACCESSORY USES	8 BAY SERVICE STATION PARKING SPACES REQUIRED - 24 PARKING SPACES PROVIDED - 25
ADDITIONAL AREA REQUIRED - None	Lighting - No Change
EXISTING COMBINATION USES - None	Existing MERCURY FLOODLIGHTS ON CONCRETE BASE
TOTAL AREA REQUIRED - 27,000	
TOTAL AREA OF SPECIAL EXCEPTION - 37,246	

LEGEND

- OFF Wood Corner Pole
- Metal Light Pole, 10' dia. cross road
- Metal Pole
- Fill Cap
- Ring Pole
- Water marker
- E- Overhead Electric Line
- T- Overhead Telephone Line
- B- Baltimore Ave & Electric Co. Pole with number
- S- auxiliary sewer line w/size & flow
- W- storm drain line w/size, flow & material
- R- Reinforced Concrete Pipe
- S- Sewer
- T- Trench
- U- Underground Tank
- P- P- Parallels - Found from Pipe
- S- S- Parallels - Gas Pipe
- R- R- Parallels - Drill Hole



EXISTING SIGN
(TO BE REMOVED)
TOTAL AREA 244 SQ. FT.

CERTIFICATION
I hereby certify that this survey, made on the ground under my supervision on Feb. 27, 1966, correctly shows the property lines and relationship of buildings and other structures to the property lines and the land indicated herein; that there are no encroachments of buildings or structures onto said land except as shown.

Jeffrey E. Frank J.E.S. 0377
Surveyor E. Frank



PETITIONER'S
EXHIBIT

NO.	DESCRIPTION	DATE	APPROVED	DATE

REVISED

EXXON SERVICE STATION 2-8766

EXXON COMPANY, U.S.A.
(A DIVISION OF EXXON CORPORATION)
POST OFFICE BOX 1288
BALTIMORE, MARYLAND 21203

PLOT PLAN - ZONING VARIANCE

#8029-#8095 LIBERTY ROAD
2ND ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	1/20/66
DESIGNED BY	CHART
CHECKED BY	1 OR 1
SCALE	1"=20'
FILE NO.	200-60